

Untangling Regulations

Natural Hair Braiders Fight Against Irrational Licensing

By

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Executive Summary

Natural hair braiding is a beauty practice popular among many African, African-American and immigrant communities in the United States. Braiding is a safe practice because braiders do not use any chemicals, dyes or coloring agents and do not cut hair. Yet as this study makes clear, braiders in many states have to endure hundreds of hours of unnecessary coursework and pay thousands of dollars before they can legally work. That creates an enormous burden for aspiring entrepreneurs.

Untangling Regulations: Natural Hair Braiders Fight Against Irrational Licensing is a survey of braiding laws in all 50 states and Washington, D.C. Across the country, braiding regulations vary dramatically:

- Eleven states do not license natural hair braiders.
- In the 39 states and the District of Columbia where braiders are required to obtain a license, the necessary hours range from six in South Carolina to 2,100 in Iowa, Nebraska and South Dakota.

The report also ranks these laws based on the number of hours a braider must complete before she can work legally:

- Twelve states earned an A or A-.
- Three states earned a B or B+.
- Washington, D.C. received a C.
- Ten states got a D.
- Twenty-four states earned an F.
- Washington State received an incomplete, pending a recent lawsuit filed by the Institute for Justice, because it had previously promised not to regulate braiders but then reversed its position without notice or explanation, leading to the lawsuit.

Cosmetologist Licenses

- Twenty-four states force natural hair braiders to become licensed as either cosmetologists or hairstylists, making it the most common form of regulation.
- Few of these states, however, actually teach natural hair braiding styles. Instead, braiders have to learn cosmetology practices they have no desire to use in their career, like giving manicures or bleaching hair.
- Among these 24 states, the required hours range from 1,000 in Massachusetts, West Virginia and Wyoming to 2,100 in Iowa, Nebraska and South Dakota.
- On average, a cosmetologist or hairstylist license requires 1,555 hours of training.
- The cost to attend a cosmetologist school in these states ranges from \$5,000 to upwards of \$20,000.

Specialty Licenses

- Fifteen states regulate braiders with a specialty license dedicated to natural hair braiding.
- Among these separate braiding license states, the necessary hours range from six in South Carolina to 600 in Oklahoma.
- On average, these specialty licenses require 230 hours of instruction.
- Depending on the length of a state's program, the cost to attend a braiding school varies from as low as \$100 to over \$10,000.
- Many states with a separate license for natural hair braiding have an appalling lack of education options for aspiring braiders. For instance, Ohio and Oklahoma have precisely one school each in the entire state that is licensed to teach braiding. Illinois does not have a single school that teaches the 300-hour braiding curriculum. Texas had foisted irrational requirements on braiding instructors, until a recent lawsuit brought by the Institute for Justice. This makes it incredibly difficult for someone to learn legally how to braid.

Minimal Regulations

- Only fifteen states earned a B or above for their braiding laws. These states either do not license braiders or instituted regulations that inform braiders about health and safety risks with minimal red tape.
- For instance, Oregon merely requires reading a PowerPoint presentation and taking a written exam before a braider can legally work.
- Kansas and Mississippi do not license braiders and instead require a “self-test.” Braiders read a brochure on infection control and then test their knowledge.

Legal Changes Over the Past Decade

Untangling Regulations is an update to a previous Institute for Justice report on braiding laws that came out in 2006. Since then:

- Two states have eliminated licensure: Utah (in response to a lawsuit won by the Institute for Justice) and Virginia.
- Five states have created separate braiding licenses instead of mandating cosmetology training: Alabama, Illinois, Louisiana, Nevada and Oregon.
- Two states have lowered the hours needed to be a hairstylist: West Virginia and Wyoming.
- Only one state, North Carolina, has increased the burdens for natural hair braiders. They were previously unlicensed but now must obtain a 300-hour specialty license.
- The Institute for Justice currently has four active lawsuits to vindicate the rights of braiders in Arkansas, Missouri, Texas and Washington State.

Natural hair braiders are needlessly burdened with onerous restrictions in far too many states. State policymakers would be well advised to roll back or repeal these licensing laws.

State Rankings

The Institute for Justice ranked and graded states on the sole basis of how many hours of instruction are required of a natural hair braider before she can legally work.

| State | Grade | Hours Required | Rank |
|-------------------|------------|----------------------------------------------------|------------------|
| Arizona* | A | 0 | 1 st |
| California* | A | 0 | 1 st |
| Connecticut | A | 0 | 1 st |
| Georgia | A | 0 | 1 st |
| Kansas | A | 0 | 1 st |
| Maryland | A | 0 | 1 st |
| Michigan | A | 0 | 1 st |
| Mississippi* | A | 0 | 1 st |
| Utah* | A | 0 | 1 st |
| Virginia | A | 0 | 1 st |
| Washington*† | Incomplete | 0 | Incomplete |
| Oregon | A- | Online module and written exam | 12 th |
| South Carolina | A- | 6 | 13 th |
| Florida | B+ | 16 | 14 th |
| Minnesota* | B | 30 | 15 th |
| Texas† | B | 35 | 16 th |
| Washington, D.C.* | C | 100 | 17 th |
| Alabama | D+ | 210 | 18 th |
| Nevada | D+ | 250 | 19 th |
| Illinois | D | 300 | 20 th |
| New York | D | 300 | 20 th |
| North Carolina | D | 300 | 20 th |
| Pennsylvania | D | 300 | 20 th |
| Tennessee | D | 300 | 20 th |
| Ohio* | D- | 450 | 25 th |
| Louisiana | D- | 500 | 26 th |
| Oklahoma | D- | 600 | 27 th |
| West Virginia | F | 1,000 | 28 th |
| Wyoming | F | 1,000 or 2,000 | 28 th |
| Massachusetts | F | 1,000 + 2 years working under licensed hairdresser | 30 th |
| New Jersey | F | 1,200 | 31 st |
| Colorado | F | 1,200 | 31 st |
| Missouri† | F | 1,220 or 1,500 | 33 rd |
| Hawaii | F | 1,250 or 1,500 or 1,800 | 34 th |
| Arkansas† | F | 1,500 | 35 th |

| | | | |
|---------------|---|-------|------------------|
| Delaware | F | 1,500 | 35 th |
| Indiana | F | 1,500 | 35 th |
| Maine | F | 1,500 | 35 th |
| New Hampshire | F | 1,500 | 35 th |
| Rhode Island | F | 1,500 | 35 th |
| Vermont | F | 1,500 | 35 th |
| New Mexico | F | 1,600 | 42 nd |
| Alaska | F | 1,650 | 43 rd |
| Kentucky | F | 1,800 | 44 th |
| North Dakota | F | 1,800 | 44 th |
| Wisconsin | F | 1,800 | 44 th |
| Idaho | F | 2,000 | 47 th |
| Montana | F | 2,000 | 47 th |
| Iowa | F | 2,100 | Last |
| Nebraska | F | 2,100 | Last |
| South Dakota | F | 2,100 | Last |

* Through litigation or legislation, the Institute for Justice helped reduce or eliminate barriers to entry for natural hair braiders in these states.

· As of this writing, the Institute for Justice is challenging braiding laws in these states.

State-by-State Braiding Laws

Alabama

Separate License, Burdensome

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| Grade | Since September 1, 2013, hair braiders in Alabama have been regulated as “natural hair stylists.” Previously, the legal status of braiders was unclear, though braiding may have fallen within the state’s definition of cosmetology (and required 1,200 hours of training). To become licensed, natural hair stylists must be at least 16 years old, have at least a 10 th grade education, and complete 210 hours of coursework. ⁴⁹ |
| D+ | |

Alaska

Hairdresser License

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| Grade | Hair braiding is not explicitly mentioned in Alaskan statutes. ⁵⁰ While Alaska’s statutes do not refer to braiding, the state’s Board of Barbers and Hairdressers confirmed that braiders are regulated as hairdressers. ⁵¹ This means braiders are required to pass an exam after taking either 1,650 hours of coursework or 2,000 hours of training as an apprentice. ⁵² |
| F | |

Arizona

Free to Braid, No License

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| Grade | Since 2005, braiders do not need a cosmetologist license to work. ⁵³ The Institute for Justice sued the Arizona Board of Cosmetology on behalf of Essence Farmer, who was required to spend at least \$10,000 on 1,600 hours of training in order to legally work as a hair braider. In response to the lawsuit, Arizona passed SB 1159 in 2004, which expressly exempted hair braiders from cosmetologist license requirements. ⁵⁴ In 2006, Essence opened the Rare Essence Braiding Studio in Glendale, where it still stands today. ⁵⁵ She has since opened a second location in nearby Tempe. ⁵⁶ |
| A | |